

## 2019

### Introduction

*The Staunton Farmers' Market was founded on the concepts of local food production, promotion of family farming and direct marketing of farm products while providing the community access to the best our producers have to offer in a family-friendly atmosphere. With these goals, the following Rules and Guidelines are intended to make it as easy as possible for Producers to sell their products directly to the general public without much of the "red tape" associated with conventional marketing outlets. The success of our Market depends on a good growing season as well as the active participation and cooperation of many and varied Producers. The Market Committee, comprised of 6-9 individuals including producers and other community members, manages the regular business operations of the Market voluntarily and welcomes your input. The Committee's meeting schedule may be obtained through the Market Manager or Committee members.*

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### LOCATION:

1. The Saturday and Wednesday Markets are located in the Wharf Parking Lot bordered by Johnson Street and Byers Street in Staunton.

### THE SELLING SEASON:

2. The Market will be open for retail sales between the hours of 7:00 a.m. and 12:00 p.m. on each Saturday and Wednesday of the Market season as designated by the Market Committee. The season for 2019 is from April 6 through November 23 for the Saturday Market and May 1 through August 28 for the Wednesday Market. The Market will be held every Saturday and Wednesday during the season, regardless of weather.

### PERMITS AND APPLICATIONS:

3. A Producer Application/Certificate and Hold Harmless Agreement must be completed before selling at the Market. These documents are available at no charge from the Market Manager.
- 3a. The purpose of the Producer Application/Certificate is to document that the products sold originate with the Producer, as required by these Rules and Guidelines. The Market Manager will retain this Producer Application/Certificate and will provide a copy to the Staunton City Manager or designee. Producers are exempt from purchasing a business license for the purpose of selling at the Market. Each Producer Application/Certificate applies to each season. The Hold Harmless Agreement means that the Producer will hold the City of Staunton harmless in the event of product liability or other factors that relate specifically to the Producer's business practices. The Hold Harmless Agreement applies to each season.
- 3b. ALL Producers will need to fill out a Producer Application/Certificate, good for one season. There is a \$100.00 fee for the Saturday Market and/or a \$50.00 fee for the Wednesday Market. Upon approval, this will be used for the respective market's space fee. If you are **NOT** approved, the application fee(s) will be refunded.

## SPACE ASSIGNMENTS, RESERVATION POLICIES AND FEES:

4. Displays must be confined to the area within the allocated space and must not impede pedestrian traffic. A space is defined as the area between two lines and marked with a numeral. This includes the brick or asphalt area in front of the numbered space. Producers will sell only from the space(s) assigned by the Market Committee. Any display or practice that is determined by the Market Manager and/or Committee to be a safety hazard will be discontinued. Vehicles larger than a one-ton truck are not allowed. No refrigerated trucks are allowed.
5. When checking out, all Producers will pay the Market Manager 5% of their gross daily sales (this is the Market fee). This fee will be paid each day the Producer sells at the Market and is in addition to any seasonal or one-time reserved space fees that a Producer pays. Fees collected by the Market are for the express and exclusive purpose of promoting and operating the Market. This includes, but is not limited to, advertising, administrative expenses and a salary for the Market Manager(s) and Bookkeeper.
6. Each Producer will be responsible for the collection and remittance to the Commonwealth of Virginia of sales tax due on taxable sales.
7. A reserved, single space will be \$100.00 for the Saturday Market and \$50.00 for the Wednesday Market per season. If a Producer desires to reserve a second, adjacent space (subject to availability and eligibility), the total cost for two spaces will be \$200.00 for Saturday and \$125.00 for Wednesday for the season. Spaces will be limited to two per Producer. There will be a cap of twelve (12) double spaces at the Saturday Market. The Wednesday Market will be limited to no more than four (4) double spaces. These spaces will be awarded on the basis of seniority and total annual sales.

To qualify for a double space (when one comes available), the Producer must have met the following requirements:

- Meet or exceed average Producer sales from the previous season (current average is \$400.00 per week)
- Minimum attendance of 25 weeks for the year prior for the Saturday Market and 12 weeks for the Wednesday Market.
- Producer for at least three years.
- In case of a tie, seniority will be the deciding factor.

In order to have a reserved space for 2019, for the Saturday Market, a Producer must have had a minimum of 20 Market days participation at the Market for the year 2018, and for the Wednesday Market, a Producer must have had a minimum of 12 Market days participation at the Market for the year 2018. A Producer who meets this criterion will be given first right of refusal for use of the same space. **This first right of refusal must be exercised by the Annual Meeting.** A Producer must contact the Market Manager if he/she will not be attending the Annual Meeting. Failure to do so will result in the forfeiture of the reserved space. When a reserved space is available, preference will be given to those who attended the most Market days the previous season. In the case of a tie, preference will be given to the Producer with the most seniority and total annual sales. Fees for reserved spaces must be paid in full no later than the Annual Meeting.

- a. When a current Producer sells his/her business, a new application must be submitted by the new owner(s).
  - b. Producers without a reserved space will be assigned a space on a first-come, first-served basis by the Market Manager each week of the Market.
  - c. The Market Manager designates the vending locations for all Producers. If the Market Manager deems it necessary, a Producer may be required to relocate.
8. **The Saturday Market opens at 7:00 a.m. and the entrance to the vending area is then closed.**  
**No vehicular traffic will be permitted in the vending area during market hours except in cases of emergency.**

**The Wednesday Market opens at 7:00 a.m. There will be NO restriction on vehicular traffic during the Wednesday Market. Those arriving after 7:00 a.m. may forfeit their space.**

Call the Market Manager when running late or you plan on being absent. Late arrivals will be assigned a space where setup will make the least impact on the operation of the Market and the safety of the customers. If you notify the Market Manager that you will be late, your space will not be reassigned.

Each Producer is expected to stop selling at 12:00 p.m. and have all products, displays, boxes, containers, etc. removed by 12:30 p.m. The Market Manager and/or Committee will have the authority to change the Market hours on special occasions with consent of the City Manager or designee.

## **REGULATIONS:**

9. The Staunton Farmers' Market was founded on the Producer-only principle: **EXCEPT AS PERMITTED BY THESE RULES AND GUIDELINES, ALL PRODUCTS SOLD MUST BE RAISED OR MADE BY THE PRODUCER.** The Market has flourished under this rule. The *Producer Only Rules* nurture local farmers and ensure the freshest and highest quality foods possible for our customers. **NO RESALE OF ANY PRODUCT IS ALLOWED – EVER.** Only Producers may sell at the Staunton Farmers' Market. A "Producer" is defined as a grower, baker, prepared food maker, employee, intern or immediate family member who is *directly* engaged in the growth, harvesting or production of the products sold. Each Producer's market staff must be identified in the Producer Application/Certificate.

Partnerships/cooperatives (defined as two or more people producing from different farms, homes, kitchens, etc.), will not be allowed.

**New Producers will be accepted in the discretion of the Market Committee.** For processed food items and ready-to-eat items, preference will be given to those applicants who have a VDACS-inspected kitchen and who are growing or locally sourcing their ingredients.

## **Staunton Farmers' Market Producer Only Rules:**

- a. Production of all goods sold at the Market must take place within a 75-mile radius of the Market.
- b. **Except as permitted by these Rules and Guidelines, selling of items purchased from or provided by another Producer, wholesaler, or market is not permitted.** Producers found in violation of these rules shall be asked to remove the item(s) in question or relinquish their space and forfeit any fees paid to the Staunton Farmers' Market. All sales and exchanges of products shall be on a retail basis only and conducted at the Market during hours of market operation.
- c. Subject to prior approval of the Market Committee, a Producer may sell value-added, agriculturally based products, provided Producer-raised components comprise at least 60% of the value of any such product (e.g., wreaths made from trees grown on the Producer's property). A Producer who desires to sell a value-added, agriculturally based product must present a sample of such product to the Market Committee for approval prior to selling. Times and locations of the committee meetings will be available from the Market Manager or members of the Market Committee.
- d. A Producer may include as a part of the sale of a product that otherwise complies with these Rules and Guidelines a product manufactured or produced by a party other than the Producer (a "third party product"), provided the sale of the third party product is an incidental component of the sales transaction, as determined by the Market Committee (e.g, the inclusion of plastic seedling trays incidental to the sale of plant seedlings).
- e. Subject to prior approval of the Market Committee, Producers may sell beverages, including coffee, tea and lemonade, incidental to the sale of products that otherwise comply with these Rules and Guidelines.
- f. Producers wishing to add a product during the year that is not on their Producer Application/Certificate, must fill out a new Producer Application/Certificate and submit it to the Market Committee for approval.
- g. In addition to the sale of value-added, agriculturally based products (permitted under subsection c above) and subject to

prior approval of the Market Committee, art and crafts and no more than two promotional items may be sold at the Market. All art and crafts and promotional items must be of high quality, as determined by the Market Committee. Art and crafts and promotional items are subject to the same producer only rules that apply to the sale of other items at the Market and must be individually designed, produced and handcrafted by the Producer, without the use of commercial molds, kits, casting patterns, or mass-produced parts. As used in this paragraph, “promotional item” means a product offered for sale featuring the Producer and/or its business.

h. Complaints by a Producer of known or suspected violations of these Rules and Guidelines must be submitted to the Market Manager. All complaints will be kept confidential. Producers refusing to allow a site visit and inspection will no longer be allowed to sell at the Market. ALL PRODUCERS ARE SUBJECT TO INSPECTIONS BY THE MARKET MANAGER.

10. Producers may sell farm and kitchen products including (but not limited to): fruit, vegetables, eggs, cut flowers, plants, cheeses, meats, ciders, jams, jellies, relishes, honey, home canned goods and baked goods. Canned fruit and vegetables or egg-based baked goods are not permitted without approval of the local Department of Health. Many items are subject to United States Department of Agriculture, Virginia Department of Agriculture and Consumer Services and/or Health Department regulations. **It is the sole responsibility of the Producer to abide by these regulations. Producers must contact these agencies for inspection and approval.** The Market Committee permits no cooking within the Market area without prior approval. The sale of cooked meats, game, poultry or fish is allowed if the food comes from a VDACS inspected and approved kitchen and is held at proper temperature at the Market. In order to sell raw, fresh, frozen, or cooked meats, game, fish, or poultry, each item must have been raised by the Producer, must meet all legal requirements for retail sale, and must be maintained at an approved temperature at the Market site. In some cases, the item may also be required to carry a USDA label. Eggs, poultry and rabbit are examples of farm products that do *not* require a USDA label, but they do need to be held at proper temperature.

Products described in any manner as “organic” must meet federal and state regulations for such labeling. Producers are required to file a copy of all relevant certificates with the Market Manager.

**It is the responsibility of each Producer to abide by all local, state and federal regulations, which govern the production, harvest, preparation, preservation, labeling, or safety of products offered for sale at the Market.** This includes scales that are certified legal for trade. Producers are liable for their own products. Neither Market management nor the City of Staunton will be held liable for the products offered by Producers. Product liability insurance is the sole responsibility of the Producer.

The Producer Application/Certificate and the Hold Harmless Agreement must be completed and given to the Market Manager *prior* to selling.

11. No poultry, game, or livestock will be slaughtered or dressed within the Market area.
12. The sale of live animals is not allowed at the Market.
13. Electrical generators are not allowed at the Market. There is an ample supply of power outlets available for \$3.00 per Market day (payable to the City via the Market Manager). These are available on a first-come, first-served basis. Producers must bring their own all-weather extension cords. Electrical cords must not be a tripping hazard.
14. Solicitation for products, services, or charitable contributions not specifically identified as Market commodities is not permitted.
15. Producers must be fourteen years of age or older. However, younger children are welcome and encouraged to participate when directly supervised by an adult responsible for the child’s conduct and safety.
16. **Safety for our customers and Producers is a top priority.** Disruptive and/or unsafe behavior will not be tolerated. Parents and/or guardians will see that their children’s behavior meets the expectations of a place of business. Riding bicycles, tricycles, skateboards, roller skates, roller blades or other wheeled vehicles is prohibited on the Wharf Parking Lot or adjacent sidewalks. Running, throwing objects and/or other playground activities are also prohibited.

17. In accordance with state and local food safety regulations, all Producers will try to restrict animals from having direct access to or direct contact with food items. Producers will not be permitted to bring pets to the Market.
18. Fraudulent, dishonest or deceptive merchandising or collusion to set minimum, maximum or any other prices between or among Producers will be grounds for forfeiture of the right to do business of any kind in the Market for a length of time to be determined by the Market Committee.
19. Producers will be solely responsible at all times for the cleanliness within their vending area. Each Producer is required to leave the space clean at the end of the Market session. Producers will provide their own brooms, dustpans and trash bags. Each Producer must remove all trash from his/her space at the Market site.
20. Wild flowers or plants sold at the Market must not be on the state or federal list of rare wild plants published by the Division of Natural Heritage. See the County Extension office for a current list.
21. The Market is authorized and operates solely for the limited purposes identified in Staunton City Code § 12.35.020. The Market is not created as or intended as a forum.
22. Even with the approval of these Rules and Guidelines by the Staunton City Manager, the Rules and Guidelines do not constitute any waiver of any sovereign or other immunity of the City, its council members, officials, employees, agents, or responsible parties or the Market as to any liability or other claim.
23. The operation of the Market will be governed by the Staunton City Code and the laws of the Commonwealth of Virginia.
24. Any commitments of the City as to the Market are contingent upon and subject to annual appropriation of sufficient funds for the purpose set forth in these Rules and Guidelines.
25. The Market Manager will enforce all Rules and Guidelines within the Market area as authorized by the appropriate section of these Rules and Regulations consistent with the Staunton City Code and any other applicable law. Failure by any Producer to comply with any of these Rules and Guidelines will result in the forfeiture of the right to be a participant in the Market for a length of time determined by the Market Committee.

#### **GUIDELINES:**

- Public restrooms are located in the Public Parking Garage on Johnson Street.
- Be aware of tripping hazards in the pedestrian area. It is best to raise all displays (especially food items) at least 24 inches from the ground.
- The large green trash cans should **not** be used for Producer trash.
- **The East side of the Wharf parking lot is reserved for customer parking only.**

#### **THE MARKET MANAGERS:**

The Saturday Market Manager for 2019 is Tom Womack. Phone: (540)448-1937; e-mail: tomwom@gmail.com.

The Wednesday Market Manager for 2019 is John Oakes. Phone: (540)448-1195; e-mail: oakesjohnw@gmail.com.

**THE MARKET COMMITTEE:**

<b>NAME OF COMMITTEE MEMBER</b>	<b>PHONE NUMBER</b>	<b>EMAIL ADDRESS</b>
Amanda Rhodes	(540) 430-0189	countryrhodesproduce@gmail.com
Jennifer Coffman	(540) 942-7819	coffmaje@jmu.edu
JK Gerber	(540) 280-1142	jgerber7935@gmail.com
John Oakes (Treasurer/Bookkeeper)	(540) 249-5096	oakesjohnw@gmail.com
Peg Davis	Home: (540) 885-6706 Cell: 540-430-3465	pegdavisfarm@gmail.com
Tom Womack	(540) 448-1937	tomwom@gmail.com

**OTHER POINTS-OF-CONTACT:**

Email	stauntonfarmersmarket@gmail.com
Facebook page	www.facebook.com/stauntonfarmersmkt
Farmers' Market web site	www.stauntonfarmersmarket.org
Flickr page	www.flickr.com/photos/stauntonaugustafarmersmarket
VDACS Bureau of Food Inspection	(540) 562-3641
Department of Weights & Measures	(804) 786-2476
Organic Certification - Kent Lewis	(804) 371-6098
VA Dept of taxation (ST-9 form)	www.tax.virginia.gov
VDACS Farmers' Market Prices Update	(800) 552-5521

Date Approved \_\_\_\_\_

City Manager \_\_\_\_\_